

**CITY OF CENTRAL
CITY COUNCIL MEETING
March 20, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:07 p.m., in City Hall on March 20, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Voorhies
Alderman Lee
Alderman Giancola

Absent: None

Staff Present: Manager Lanning
Attorney Michow
City Clerk Bechtel
Finance Director Flowers
CDD/HPO Thompson
Operations Director Kisselman
Water Department Manager Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

Mayor Engels stated a conflict with the Gilpin Ambulance Authority Contract due to his personal relationship with the Director of GAA and therefore will recuse himself on that item.

CONSENT AGENDA

Alderman Spain moved to approve the consent agenda containing the regular bill lists of February 23, March 1, 8, and 15; the February Monthly Report; and the City Council minutes of February 21, 2012. Alderman Giancola seconded. In discussion, Mayor Engels asked that before we have the next jury trial that juror payments be increased. When Mayor Engels called the question, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

LIQUOR LICENSE AUTHORITY

Alderman Giancola moved to open the Liquor Licensing Authority. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

Alderman Spain moved to approve the renewal CC Tollgate LLC dba Century Casino for a Hotel & Restaurant Liquor License at 102 Main Street effective June 1, 2012 . Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Alderman Giancola moved to approve the Modification of Premise for Central City Opera House Association dba Teller House at 120 Eureka Street. Alderman Voorhies seconded. City Clerk Bechtel explained that this modification will include the Opera House and Opera garden and that there is access from the Teller House garden to the Opera House. In discussion, Alderman Lee stated concern about crowd congestion on the sidewalk and how the liquor will be contained on the premise. Chief Krelle offered to contact Jim Johnson to understand the details of these issues. Alderman Giancola amended the motion to table this Modification of Premise to the April 3, 2012 meeting at 7:00pm. Alderman Voorhies amended the second. When Mayor Engels called the question, the motion carried unanimously.

Alderman Voorhies moved to close the Liquor Licensing Authority. Alderman Spain seconded and, without discussion, the motion carried unanimously.

NEW BUSINESS

Bobcat Purchase Order

Operations Director Kisselman explained that this is another step to replacing old equipment as approved in the 2012 Budget. The City's previous Bobcat Skid-Steer loader was a 1992 and was not in very good working condition. Staff had it auctioned off and received a total of \$4,830. Since the Public Works Department already has a number of attachments for a Bobcat brand Skid-Steer loader, the most cost effective option was to purchase another Bobcat brand Skid-Steer loader so that all of the equipment can be used. There is only one Bobcat dealer in the state and therefore, this is a sole source purchase in accordance with Section 4-247. As this purchase is over \$25,000, staff is requesting Council to approve the purchase of the Bobcat Skid-Steer loader and attachments for \$32,789.00

Funding for this purchase will come out of the General Fund, Public Works Department under line items 01-431-7420 Lease Purchase Payments (budgeted amount of \$98,000) and 01-431-7424 Equipment Purchase (budgeted amount of \$60,000).

As Council has previously approved other funding out of the line items referenced, below is a detail of the expenditures that will be coming out of those line items to reflect that this request is still within budget compliance.

The total amount budgeted between line items 01-431-7420 and 01-431-7424 is \$158,000.

Snow Plow Lease Payment	\$ 58,000.00		
Street Sweeper Lease Payment	\$ 28,956.61		
Medved Trucks Purchases	\$ 34,095.10		
<u>Bobcat Skid-Steer</u>	<u>\$ 32,789.00</u>		
Total Expenditures	\$153,840.71	Remaining	\$4,159.29

Alderman Spain moved to approve the purchase of an S185 Bobcat Skid-Steer Loader with bucket and grader attachments in the amount of \$32,789.00. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

1st Amendment to Establishing Contract for Gilpin Ambulance Authority

Mayor Engels recused himself and left the room. Mayor *pro tem* Spain assumed control of the meeting.

Manager Lanning explained that when the Gilpin Ambulance Authority was initiated, the original IGA provided for a specific formula for revenue collection from the participating jurisdictions. The original formula existed until this year. The GAA is seeking approval of the new collection formula. As of 2012, the County is assessed at 33% of “net”; Black Hawk 5% of “net”; Central City .5% of “net”. In addition, the parties to the agreement will split the remaining 57% allocation based upon call volume. In the event of a shortfall, the Authority Board will forward a recommended plan to each entity. At some point, we believe there will be a desire to revisit this formula.

For 2012, we budgeted \$155,000, so the City’s portion of \$151,668 will be a decrease.

Alderman Giancola moved to approve the Gilpin Ambulance Authority IGA. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

Mayor Engels returned and assumed control of the meeting.

Resolution 12-04: A resolution of the City Council of the City of Central, Colorado, approving a lease for Washington Hall.

Finance Director Flowers explained that in the process of working with the non-profit organizations in town on marketing and event related issues, it came to staff’s attention that there has not been a current and updated Lease Agreement for the portion of Washington Hall that the Arts Association uses though they have been using this side of Washington Hall since at least the 1960’s. To ensure that both parties have a good understanding as to how the space in Washington Hall is to be used and which party is responsible for what, it is necessary to adopt and execute a current Lease Agreement. As the Lease does not have any requirements or stipulations that are new to either party, the term of the Lease is proposed at one year.

The 2012 Budget allocated funding for the elevator maintenance service on the Arts Association side of the building. Adoption of this Lease is not expected to add any additional costs to the City’s building maintenance line items. However, in the process of working with the Arts Association, a number of maintenance related issues in the building have been brought to the City’s attention. Staff is currently investigating the costs of getting these issues corrected. If staff finds that corrective measures will cost more than that approved and/or allocated for in the 2012 Budget, the item will be brought before Council for approval.

Alderman Giancola moved to approve Resolution 12-04: A resolution of the City Council of the City of Central, Colorado, approving a lease for Washington Hall. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Resolution 12-05: A resolution of the City Council of the City of Central, Colorado, approving a License Agreement authorizing the Gilpin Arts Association to utilize a portion of the Visitor Center.

Finance Director Flowers explained that in an effort to increase the types of tourist based activities within the City that are available on a year-round basis staff has been working with the existing non-profits to increase the tourist experience. The Gilpin County Arts Association already leases the upper portion of Washington Hall to use as its display space for its juried art shows during the summer months and is an extremely popular attraction when it is open. However, because there is no heat in this portion of Washington Hall it is not possible for the Arts Association to have art displays there during the colder months of the year. For that reason, staff and the Arts Association thought that utilizing the second floor of the Visitors Center to display and sell art would be a great way add another year round attraction and support the Art Association as well. The display would be open to the public seven days a week during the Visitors Center's normal hours of operation. No additional staff will be needed as the Visitor Center attendant on duty will be able to make any sales through the City's established point-of-sale system. It is expected that the art on display will be changed out approximately every two months during the summer months and approximately every quarter during the winter months.

The City will be investing approximately \$2,800.00 in some lighting upgrades on the second floor of the building. This will allow for a better display area for art as well as any other future uses for the space. This funding will be coming out of line item 02-456-7201, Historic Property Renovation (budget \$65,000). There are no other expected fiscal impacts from this project.

Alderman Lee questioned the ADA accessibility of the upper level of the Visitor Center. Attorney Michow offered to give this further review.

Alderman Voorhies moved to table the proposed resolution to April 3, 2012. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Ordinance No. 12-02: *An ordinance of the City Council of the City of Central, Colorado, repealing Article IX of Chapter 6 of the Central City Municipal Code and enacting a new Article IX of Chapter 6 concerning licensing and regulation of Pawnbrokers, and providing a penalty for violation thereof.*

Ordinance No. 12-03: *An ordinance of the City Council of the City of Central, Colorado, amending Sections 16-35 and 16-163 of Chapter 16 titled Zoning, of the Central City Municipal Code concerning Pawnbrokering.*

Attorney Michow explained that staff has brought these revisions forward to update and add clarity to the current code as well as a change to the area that this business may locate. There will be fiscal impacts to the City in terms of use of police department resources in performing background checks and processing of pawn ticket information. Overall, the ordinance is drafted to streamline administration of the licensing process and is similar to liquor licensing in terms of background checks, changes in ownership, etc. Chief Krelle has recommended this form of Ordinance which is based on Centennial and Lakewood regulations.

The City is authorized pursuant to Section 31-15-501(c), C.R.S., to license and regulate any lawful occupation or business. The City is further authorized pursuant to Section 12-56-102, C.R.S. to license pawnbrokers, require that pawnbrokers be bonded and insured and to enact regulations governing pawnbrokers. Ordinance No. 12-02 addresses business licensing and regulation of pawnbrokers and is summarized as follows:

Licensing:

1. A license is required, and the process is managed by the City Clerk. The City Manager grants licenses on the Clerk's recommendation for a period of one year, to be renewed annually.
2. Pawnbroker pays application, investigation, and licensing fees and furnishes a \$10,000 bond.
3. Background investigation required for company operators, officers, and managers.
4. License may be denied, suspended, or revoked if not financially responsible, in good standing with the state, or if not of good moral character (as defined by ordinance). Suspension and revocation decisions are subject to review in district court.

Operating Requirements:

1. Changes in the ownership of fifty percent or more and changes in managers must be reported to the City and investigated as in application process; fees are assessed to cover this process.
2. Retail pawnbrokers can operate around the clock – which is consistent with the casinos hours of operation.
3. Pawnbrokers may only be licensed for one location, and any relocation must be approved by the Clerk and the pawnbroker must notify all pledgors of the relocation.
4. Pawnbrokers hold the pledged items in a safe place that is separate and apart from the rest of their inventory for thirty days plus ten days after the maturity date of the contract for purchase. After notice to the pledgor and after the required time has passed without the contract being cancelled, the item is forfeited to the pawnbroker. Pawnbrokers must insure all pledged property for fifty percent of its real value.
5. Pawnbrokers may not enter into transactions with persons under 18 years of age or who lack capacity to contract, and may not accept certain weapons, property with altered or missing serial numbers, or other illegal property.
6. Pawnbrokers may not charge interest in excess of 1/5 of the original purchase price for each month, and may only rely on the pledged property for payment of the contract.
7. Pawnbrokering of “tangible personal property” excludes automobiles and motor vehicles to avoid the issue of storage and creation of “used car lots” within the City's historic downtown.

Recordkeeping Requirements.

1. All pawnbrokers must maintain for three years a ledger containing a description of the item, the transaction, and identification and contact information of the pledgor and must obtain a signed declaration of ownership. Retail pawnbrokers must also obtain a fingerprint and photograph of the pledgor and video record the transaction. They give pawn tickets to the pledgor as evidence of the transaction.
2. All records are subject to inspection by law enforcement, and all pawnbrokers must submit records of property submitted and the declaration of ownership to law enforcement.
3. Ordinance contains provisions for transferred, lost, or altered pawn tickets, fraudulent identification or counterfeit tickets, and sale of pledged items.

Enforcement:

1. Accomplished by law enforcement or anyone authorized to enforce municipal law, which grants the greatest amount of flexibility to allocate resource if or as needed.
2. Police Department may place a “hold” on items under investigation.
3. Ordinance contains process for disposal of stolen property if not otherwise disposed of by court (based on Lakewood, which has never used it). Process exists to protect property rights of individuals.

Ordinance No. 12-03 addresses the zoning of pawnbrokers, allowing such uses in the HDG and GGG zoning districts as a permitted use. Ordinance No. 12-03 also clarifies that pawnbrokering is not an allowed home occupation.

Alderman Lee asked to schedule a work session to better understand these revisions. Council consensus is to have a work session at 6:00 pm on April 3, 2012.

Alderman Spain moved to approve Ordinance Nos. 12-02 and Ordinance 12-03 on first reading, refer Ordinance 12-03 to Planning Commission for its review and comment, and set for public hearings on April 17, 2012 at 7 p.m. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning offered to answer any questions from Council.

COUNCIL COMMENTS

Alderman Voorhies stated that she has had questions from citizens:

- Safety on Gregory and Lawrence especially on Saturday afternoons with the increased parking
- The change to be included in Timberline Fire District and if Central City would have sufficient fire coverage

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

At 7:51 p.m. Alderman Spain moved to adjourn into Executive Session – Pursuant to C.R.S. 24-6-402(4)(b) for purposes of receiving legal advice regarding a personnel matter and legal advice regarding the status of Central City water damage claims. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

The next regular Council meeting is scheduled for April 3, 2012 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk